

Application No. 10/720,807

Attorney Docket No. 13DV-14030 (07783-0110-01)

D) AMENDMENTS TO THE DRAWINGS

None.

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E) REMARKS

This Response is filed in response to the Office Action dated August 25, 2005.

Upon entry of this Amendment, claims 1-19 will be pending in the Application.

In the outstanding Office Action, the Examiner subjected claims 1-19 to a restriction requirement under 35 U.S.C. § 121.

Restriction/Election under 35 U.S.C. 121

The Office Action of August 25, 2005 subjects claims 1-19 of the present Application to a restriction requirement. The Examiner has required restriction to one of the following inventions under 35 U.S.C. § 121:

- I. Claims 1-10, drawn to a composition, classified in class 524, subclass 588;
- II. Claim 11, drawn to a ceramic composite stiffener, classified in class 428, subclass 57;
and
- III. Claims 12-19, drawn to a method for fabricating a ceramic composite stiffener, classified in class 156, subclass 60.

In accordance with the requirements of 37 C.F.R. § 1.143, Applicant provisionally elects the invention of Group I without prejudice.

Applicant respectfully traverses the requirements for restriction and requests reconsideration of the restriction requirement between Groups I, II and III. Applicant submits that the restriction requirement should be withdrawn, because the Examiner has not shown that any combination of Groups I, II and III are not both independent and distinct, as the claims must be shown to be "independent and distinct" to maintain the restriction, 35 U.S.C. § 121, 37 C.F.R. § 1.141, MPEP 802. Additionally, it would not be an undue burden on the Examiner to search and examine the inventions, as even multiple art classes/subclasses are routinely searched when applications are examined (see MPEP 803). For example, any search of a ceramic composite stiffener could be reasonably extended to include methods of producing the ceramic composite stiffener. A thorough search of the art would therefore include such art.

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CONCLUSION

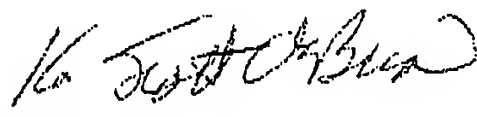
In summary, it is respectfully submitted that for the reasons given above the restriction requirement between the inventions as set forth in claims 1-19 (Groups I, II and III) should be examined and the restriction requirement reconsidered and withdrawn by the Examiner. Further, it is respectfully submitted that claims 1-19 are novel defining patentable subject matter and should be allowed. A favorable action is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees and credit any overpayments to Deposit Account No. 50-1059.

Respectfully submitted,

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